

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PATRICIA JOHNSON, FAUSTO CABRERA,
VELLYN ANTONELLI, CARMEN FOX,
MARK ANGELOPOULOS, DIANE
ANDERSON, JAMES COOLEY, AND
MARGARET COOLEY, on behalf of herself
and all others similarly situated,

Plaintiffs,

v.

BAC HOME LOANS SERVICING, LP, a
subsidiary of BANK OF AMERICA, N.A.,

Defendant.

Civil Action No. 10-10316 - RWZ

DECLARATION OF GREGORY J. HIGEONS

I, Gregory J. Higeons, state as follows:

1. I am an Assistant Vice President for BAC Home Loans Servicing, LP (“BAC”). I have been employed by BAC since April 2004, and have served in my current position since November 2007. In this role, I am responsible for, among other things, managing the group that certifies that loans are processed in compliance with HAMP Supplemental Directive 10-02 requirements related to foreclosure activity. As a part of my job, I have become familiar with BAC’s usages and practices regarding the servicing and modification of mortgage loans, and am able to interpret and explain BAC’s servicing records, including records related to foreclosure activity on borrowers’ loans.

2. I have reviewed and analyzed BAC's servicing records for the named Plaintiffs in this action and for the other borrowers who have submitted affidavits in support of Plaintiffs' motions. This declaration is made based on personal knowledge obtained through my work at BAC, including my review of those borrowers' records and my discussions with other employees. If called as a witness, I could and would testify to the following facts.

3. As set forth below, BAC's servicing records indicate that no foreclosure sales are scheduled on the homes of any of the named Plaintiffs, or on the homes of the other borrowers who have submitted affidavits in support of Plaintiffs' motions, with one possible exception. However, BAC has requested investor approval to ensure that the one potential sale is postponed as necessary.

4. The foreclosure sale is now being rescheduled for the first week of December. BAC and the investor have agreed to request successive 30 day postponements as necessary.

5. No foreclosure sale is scheduled on Plaintiff Carmen Fox's property. Her loan was referred to foreclosure, but foreclosure activity on her loan has been placed on hold. A foreclosure sale previously scheduled for August 2010 was cancelled and not rescheduled. No future sales are planned, as any foreclosure activity has been placed on hold.

6. No foreclosure sale is scheduled on Plaintiff Fausto Cabrera's property. His loan was referred to foreclosure in early 2009, but any and all sale activity has been cancelled, and no future sales are scheduled.

7. No foreclosure sale is scheduled on the property of Plaintiffs James and Margaret Cooley.

8. No foreclosure sale is scheduled on the property of Plaintiffs Mark Angelopoulos and Diane Anderson.

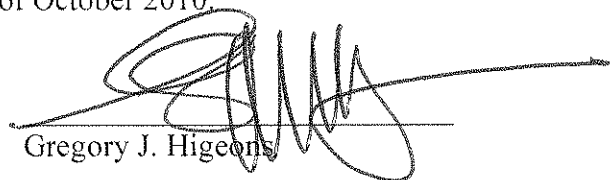
9. No foreclosure sale is scheduled on the property of Brian Tirrell.

10. Frederic Marino's loan was first referred to foreclosure in 2008, and a sale was most recently scheduled for November 3, 2010. The foreclosure sale is now being rescheduled for the first week of December. BAC and the investor have agreed to request successive 30 day postponements as necessary.

11. No foreclosure sale is scheduled on the property of Noel and Kimberly Ayers.

12. No foreclosure sale is scheduled on the property of Dennis Ingham and Eleanor Murphy.

I declare under the penalty of perjury of the laws of the United States of America that the foregoing is true and correct this 15th day of October 2010.


Gregory J. Higeons

Dated: October 15, 2010

Respectfully submitted,
BAC Home Loans Servicing, L.P.,
By its attorneys,

/s/ James W. McGarry

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CERTIFICATE OF SERVICE

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 15, 2010.

/s/ James W. McGarry